

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Steve Dispensa	Confirmation No:	6255
Serial No.:	09/981,422	Examiner:	Asghar H. Bilgrami
Filing Date:	10/17/2001	Group Art Unit:	2143
Title:	PERFORMANCE MANAGEMENT SYSTEM		

**Mailstop: Appeal Brief - Patents**  
**Commissioner for Patents**  
**P. O. Box 1450**  
**Alexandria, VA 22313-1450**

**LETTER ACCOMPANYING AMENDED APPEAL BRIEF**

In a Notification of Non-Compliant Appeal Brief dated March 22, 2007 (hereinafter “the Notification”), the Appeal Brief filed December 13, 2006, (hereinafter “the Brief”) in the above-referenced matter was found defective because the “Summary of claimed subject matter’ does not contain *[a] brief explanation of any dependent claims argued separately*, as required by (37 CFR 41.37(c)(1)(iv)). Applicant is encouraged to verify that the appeal brief is in compliance with all the other requirements that are stipulated in the MPEP.” (See Part 10 of the Notification; emphasis supplied.)

The Applicant respectfully believes that some confusion exists as to which claims are being argued. More specifically, the Applicant provides substantive arguments only in favor of the independent claims (i.e., claims 1, 31, 61, 90, 119 and 148). While the dependent claims are listed under a separate subheading, the Brief only indicates that these claims should be allowable based on their dependence from the independent claims. Thus, to conform more closely to the guidance of MPEP § 1205.02, the subheading for the dependent claims has been removed, and all claims being appealed are now referenced in the only remaining subheading. Accordingly, the summary of claimed subject matter has not been amended.

Thus, based on these amendments, the Applicant respectfully asserts that the amended Brief is now in compliance with 37 C.F.R. § 41.37(c) and MPEP § 1205.02, and respectfully requests that the appeal move forward.

The Assignee believes that no additional fees are due with respect to the filing of the amended Brief. However, should the Office determine that additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765.

Respectfully submitted,

Date: 04/20/2007

/Kyle J. Way/

Kyle J. Way, Reg. No. 45,549  
Setter Roche LLP  
Telephone: (720) 562-2280  
E-mail: kyle@setterroche.com

**Correspondence address:**

**CUSTOMER NO.        28004**

Attn: Melissa A. Jobe  
Sprint Law Department  
6450 Sprint Parkway  
Mailstop: KSOPHN0312-3A461  
Overland Park, KS 66251